

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3045 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUJARAT AGRICULTURE UNIVERSITY

Versus

DAKSHIN GUJARAT SHRAMIK SABHA

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Appearance:

MR.S.M.MAJGAVKAR FOR MR SN SHELAT for Petitioner  
MR AD PADIVAL for Respondent-Dakshin Gujarat Shramik  
Sabha and 23 concerned workmen.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 09/04/96

ORAL JUDGEMENT

Mr.Majgavkar for Mr.S.N.Shelat, appearing for the petitioner has submitted the consent terms dated 8.4.1996 signed by 11 workmen namely (1) Shri B.R.Patel (2) Shri K.M.Rana (3) Shri H.U.Solanki (4) Shri Rajesh M. Patel (5) Shri A.G.Desai (6) Shri B.B.Rathod (7) Shri B.M.Patel (8) Shri A.S.Naik (9) Shri R.G.Bhavsar (10) Smt.D.D.Patel and (11) Smt. K.S.Tandel as also by Shri Ajit D.Padival, appearing as counsel for Dakshin Gujarat Shramik Sabha and Mr.Majgavkar appearing for the petitioner. Yet

another consent terms dated 8.4.1996 signed by 23 workmen namely (1) Shri B.R.Patel (2) Shri K.M.Rana (3) Shri H.U.Solanki (4) Shri Rajesh M.Patel (5) Shri A.G.Desai (6) Shri B.B.Rathod (7) Shri B.M.Patel (8) Shri A.S.Naik (9) Shri R.G.Bhavsar (10) Smt.D.D.Patel (11) Smt.K.S.Tandel (12) Shri C.D.Modi (13) Shri J.B.Chaudhari (14) Shri Rakesh M.Patel (15) Smt.K.M.Naik (16) Smt. J.K.Chavada (17) Smt.D.B.Talaviya (18) Smt.B.N.Ahir (19) Smt.K.U.Patel (20) Smt.A.G.Ranveriya (21) Kum. N.J.Mohile (22) Smt.V.K.Mehta (23) Smt.T.P.Chaudhari as also by Mr.Padival, Advocate for the Respondent and Mr.Majgavkar for Mr.S.N.Shelat, Advocate for the petitioner and also by Director of Campus, Gujarat Agriculture University, Navsari and Mr.B.R.Patel as Deputy Chief of Dakshin Gujarat Shramik Sabha, Navsari. In the latter document of consent terms bearing signature of 23 workmen item no.4(iv) is reference (LCM) 15/95 to 26/95 pending before the Labour Court, Navsari and it has been explained by Mr.Majgavkar that this item i.e.4(iv) as aforesaid has not been mentioned in the first consent terms dated 8.4.1996 signed by 11 workmen because they are not concerned with the reference mentioned at item no.4(iv) but those concerned workmen in this reference mentioned at item no.4(iv) have also signed the consent terms and that is why there are 23 workmen who have signed and thus the 12 workmen who are concerned with this reference have also signed. Thus there is complete agreement between both the sides i.e. the petitioner Gujarat Agricultural University and Dakshin Gujarat Shramik Sabha and all the 23 workmen.

This Special Civil Application is directed against the interim order passed by the Labour Court. Now that during the pendency of the references all the parties have arrived at a settlement and have submitted the consent terms ( two documents dated 8.4.1996), this Special Application is decided on the basis of these consent terms which will form the part of the record. The parties have agreed as under :

" [1] That the workmen who have been discharged  
from service will have to undergo  
selection before the staff selection  
committee constituted under the  
provisions of the statute.

[2] That there shall be relaxation of age  
limit and that there shall be due waight  
given to these workmen having served the  
Gujarat Agricultural University.

[3] That the appointment that may be offered to these workmen shall be fresh appointment. The workmen are not entitled to any continuity of service if they are selected.

[4] That the workmen would withdraw court case as under;

- i) Ref.63/94 pending before the Industrial Tribunal, Surat.
- ii) Ref. Special Civil Application No.13405/94 & 13497/94 pending before the High Court of Gujarat at Ahmedabad.
- iii) Ref.(IT) 63/94 Complaint 1/95 & 2/95 pending before the Industrial Tribunal, Surat.
- iv) Ref.(LCM) 15/95 to 26/95 pending before the Labour Court, Navsari."

In view of the consent terms as above hence forth these consent terms would govern the rights, duties, obligations and interest of the parties and as agreed the pending reference mentioned at item no.4(i) to 4(iv) shall be withdrawn by the respondent union and the concerned workmen in all these references. The impugned interim order passed by the Labour Court shall cease to be operative.

This Special Civil Application is accordingly decided on the basis of the consent terms as above and the Rule is hereby discharged accordingly. No order as to cost. Direct service is permitted.

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